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10 Attorneys for Defendant
11 BEN & JERRY'S HOMEMADE, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SKYE ASTIANA, on behalf of herself and all
others similarly situated,

Plaintiff,

v.
BEN & JERRY'S HOMEMADE, INC.,

Defendant.

Case No. CV10-4387-PJH

CLASS ACTION

**STIPULATION AND
[PROPOSED] ORDER TO
CHANGE HEARING DATE FOR
DEFENDANT'S MOTION TO
DISMISS AMENDED
COMPLAINT**

Plaintiff Skye Astiana, on behalf of herself and all others similarly situated, and Defendant Ben & Jerry's Homemade, Inc. ("Ben & Jerry's") through their undersigned counsel, hereby stipulate as follows:

WHEREAS the hearing on Ben & Jerry's Motion to Dismiss Amended Complaint in the above action ("Astiana") is currently scheduled for February 16, 2011 (Astiana Dkt. 24);

WHEREAS on January 19, 2011, the Court related *Thurston et al. v. Conopco, Inc.*, Case No. 10-04937-PJH ("Thurston") to Astiana and transferred Thurston to this Court (Astiana Dkt. 34);

1 WHEREAS the Court vacated the hearing date for the pending Motion to Dismiss
2 Amended Complaint in *Thurston* (*Astiana* Dkt. 34);

3 WHEREAS the defendant in *Thurston* has re-noticed the Motion to Dismiss Amended
4 Complaint for March 2, 2011, at 9:00 a.m. in this Court (*Thurston* Dkt. 31);

5 WHEREAS the parties agree that in the interest of judicial economy due to overlapping
6 legal issues, the motions to dismiss in *Astiana* and *Thurston* should be heard on the same date;

7 IT IS HEREBY STIPULATED, subject to the approval of the Court that the date for the
8 motion to dismiss hearing for *Astiana* be reset to March 2, 2011 at 9:00 a.m.

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10 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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1 Dated: January 25, 2011

2 WILLIAM L. STERN
3 JANELLE J. SAHOURIA
MORRISON & FOERSTER LLP

4 By: /s/ JANELLE J. SAHOURIA
5 JANELLE J. SAHOURIA

6 Attorneys for Defendant

7

8 Dated: January 25, 2011

9 By: /s/ JOSEPH L. KRAVEC, JR.
JOSEPH L. KRAVEC, JR.

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22 Attorneys for Plaintiff

ECF ATTESTATION

I, Janelle J. Sahouria, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER TO CHANGE HEARING DATE FOR DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**. In compliance with General Order 45, X.B., I hereby attest that Joseph N. Kravec, Jr. has concurred in this filing.

Dated: January 25, 2011

**WILLIAM L. STERN
JANELLE J. SAHOURIA
MORRISON & FOERSTER LLP**

By: /s/ JANELLE J. SAHOURIA
JANELLE J. SAHOURIA

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 26, 2011

